IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.168 OF 2005

Shravan Rajguru. ..Applicant.

V/s.

C.B.I.,A.C.B.,Mumbai & Ors. ..Respondents.

Mr.V.N.Shingnapurkar for applicant.

Mr.Ejaz Khan, Spl.PP for CBI.

Mrs.M.M.Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 19, 2005.

P.C. :

1. Heard counsel for the parties.

2. I see no reason to interfere with the impugned order in exercise of revisional jurisdiction. The court below has considered all aspects of the matter and the conclusion reached is unexceptionable. The argument that legitimate income has not been reckoned while computing the assets so as to hold that the applicant was possessing disproportionate assets, to my mind, this matter is for trial.

3. The argument canvassed on behalf of the

applicant that legitimate income of the wife has not been considered is rightly countered by the counsel for the prosecution on the argument that merely because return has been filed and income tax department has issued assessment order does not mean that income is from legitimate source. Prosecution case on the other hand, is that the income of the wife is legitimate income. All these issues will be relevant at the trial. Suffice it to observe that it is not a case for discharge. Hence, dismissed.

4. Counsel for the applicant submits that atleast limited indulgence be shown by directing the prosecution to record fresh statement of the applicant so that the applicant can offer necessary explanation to rebut charge of possessing disproportionate assets. It is not in dispute that charge-sheet is already filed. The trial court has taken cognizance. Such relief can be granted to the applicant and if permissible in law, the applicant may take out necessary proceedings before the trial court, if so advised. That application will have to be decided on its own merit in accordance with the law.